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PATENT
Customer No. 22,852
Attorney Docket No. 06556.0039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
John D. POLK et al.)	Group Art Unit: 2165
)	
Application No.: 10/043,493)	Examiner: Unassigned
)	
Filed: January 14, 2002)	
)	
For: APPARATUS AND METHODS)	Confirmation No.: 9208
FOR PROVIDING A PAYMENT)	
SYSTEM OVER A NETWORK)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL NOTICE OF RELATED LITIGATION AND
INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. § 1.56, as clarified by § 2001.06(c) of the Manual of Patent Examining Procedure, Applicants have previously notified the Examiner that U.S. Patents Nos. 6,119,107 (the '107 patent) and 5,946,669 (the '669 patent) have been the subject of a litigation in the United States District Court for the District of Minnesota (Civ. Action No. 02-CV-1321 DWF/JSM) between plaintiff Pay Child Support Online Inc (PCSO) and defendant ACS State & Local Solutions, Inc. (ACS), hereinafter the "PCSO litigation."

Although the present application is not directly related to the '107 patent nor the '669 patent, Applicants provide this Notice because the technology is related and the present application shares a common inventor with the '107 and '669 patents.

By this Supplemental Notice, Applicants now notify the Examiner of continuing developments related to the PCSO litigation. Specifically, the PCSO litigation has been concluded.

In the PCSO litigation, defendant ACS filed a Memorandum of Law in Support of Its Motion for Summary Judgment of Validity and Literal Infringement, attached as Exhibit A (with the redaction of confidential portions). The motion alleged that the '669 and '107 patents were not invalid and that certain asserted claims were literally infringed. In response, plaintiff PCSO and counter-defendants King, PSI, and Hill filed a Memorandum of Law Opposing Motion for Summary Judgment, attached as Exhibit B (with the redaction of confidential portions). In reply, defendant ACS filed a Reply Memorandum in Support of its Motion for Summary Judgment, attached as Exhibit C (with the redaction of confidential portions). Following a summary judgment hearing on November 14, 2003, the court subsequently requested supplemental briefing on the issue of obviousness in an Order attached as Exhibit D. In response to the court's request, defendant ACS filed a Supplemental Brief on Obviousness in Support of its Motion for Summary Judgment, attached as Exhibit E, and plaintiff PCSO and counter-defendants King, PSI, and Hill filed a Brief Regarding Obviousness, attached as Exhibit F. Following the filing of the supplemental briefs, defendant ACS also filed a Response to the New Issues Raised in PCSO's Supplemental Brief on Obviousness, attached as Exhibit G, and plaintiff PCSO and counter-defendants King, PSI, and Hill filed a Response to New Issues Raised by ACS, attached as Exhibit H.

On April 5, 2004, the court issued a ruling on the motion for summary judgment, attached as Exhibit I. The court found that the asserted claims were literally infringed. The court also found no anticipation under § 102.

On July 22, 2004, PCSO and ACS filed a Joint Motion for Entry of Order of Judgment, attached as Exhibit J. In the Joint Motion, PCSO, King, PSI, and Hill agreed that the '669 and '107 patents are valid and enforceable. Notably, they admitted that they had no basis for alleging invalidity and that they are not aware of any prior art that would invalidate any claim of either the '669 patent or the '107 patent.

On July 28, 2004, the Court issued an Order of Judgment, attached as Exhibit K, holding that, among other things, the '669 and '107 patents are valid and enforceable. These findings were confirmed by the Final Judgment issued on July 29, 2004, attached as Exhibit L.

Information Disclosure Statement

The documents referred to herein are included in a binder entitled "Attachment to Supplemental Notice of Related Litigation and Information Disclosure Statement" and are listed on the enclosed Form PTO-1449.

This submission of documents does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and the Applicants determine that the cited documents do not constitute "prior art" under United States law, the Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

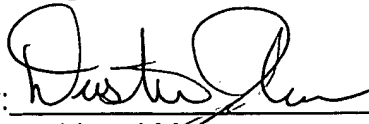
The Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Please charge any required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 10, 2004

By:  Reg. No. 47,684
Lionel M. Lavenue
Reg. No. 46,859

INFORMATION DISCLOSURE CITATION

Atty. Docket No. 06556.0039	Appl. No. 10/043,493
Applicant: John D. POLK et al.	
Filed: January 14, 2002	Group: 2165

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , ACS's Memorandum of Law in Support of Its Motion for Summary Judgment of Validity and Literal Infringement , 29 pages, September 16, 2003 (Exhibit A).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , PCSO, PSI and Hill's Memorandum of Law Opposing Motion for Summary Judgment , 31 pages, October 21, 2003 (Exhibit B).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , ACS' Reply Memorandum in Support of its Motion for Summary Judgment of Validity and Literal Infringement , 22 pages, October 28, 2003 (Exhibit C).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , Order , 2 pages, December 12, 2003 (Exhibit D).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , ACS's Supplemental Brief on Obviousness in Support of ACS' Motion for Summary Judgment , 14 pages, January 12, 2004 (Exhibit E).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , PCSO, PSI and Hill's Brief Regarding Obviousness , 10 pages, January 12, 2004 (Exhibit F).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , ACS's Response to the New Issues Raised in PCSO's Supplemental Brief on Obviousness , 8 pages, January 23, 2004 (Exhibit G).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , PCSO, PSI and Hill's Response to New Issues Raised by ACS , 3 pages, January 29, 2004 (Exhibit H).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , Memorandum Opinion and Order , 22 pages, April 5, 2004 (Exhibit I).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , Joint Motion for Entry of Order of Judgment , 6 pages, July 22, 2004 (Exhibit J).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , Order of Judgment , 3 pages, July 28, 2004 (Exhibit K).
	U.S. District Court, District of Minnesota Civ. Action No. 02-CV-1321 DWF/JSM: <i>Pay Child Support Online Inc. v. ACS State & Local Solutions, Inc.</i> , Judgment in a Civil Case , 2 pages, July 29, 2004 (Exhibit L).

Examiner	Date Considered
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce
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